

103^D CONGRESS
1ST SESSION

H. R. 1004

To establish a program of mandatory national service for young people in the United States.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1993

Mr. SHAYS (for himself and Mr. MFUME) introduced the following bill; which was referred jointly to the Committees on Education and Labor, Post Office and Civil Service, Ways and Means, Energy and Commerce, and Foreign Affairs

A BILL

To establish a program of mandatory national service for young people in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National American
5 Youth Service Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Purpose.

TITLE I—IMPOSITION AND TERM OF MANDATORY NATIONAL
SERVICE OBLIGATION

- Sec. 101. Obligation to perform national service.
- Sec. 102. Registration of national service participants.
- Sec. 103. Types of national service to satisfy obligation.
- Sec. 104. Failure to register or complete national service obligation.
- Sec. 105. Exemptions and deferments.

TITLE II—ADMINISTRATION OF NATIONAL SERVICE

- Sec. 201. Office of National Service.
- Sec. 202. Recording the performance of national service.
- Sec. 203. Other duties of the Director.
- Sec. 204. State national service offices and local national service boards.
- Sec. 205. Accreditation of sponsor organizations.
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TITLE III—MISCELLANEOUS NATIONAL SERVICE PROGRAMS

- Sec. 301. American Conservation and Youth Corps.
- Sec. 302. Volunteers in Service to America.
- Sec. 303. Peace Corps.
- Sec. 304. Urban Elementary School Literacy Corps.

1 SEC. 3. DEFINITIONS.

2 For purposes of this Act:

3 (1) The terms “national service participant”
4 and “participant” mean an individual who is obli-
5 gated to perform national service under section 101.

6 (2) The term “sponsor organization” means a
7 nonprofit organization accredited by a State national
8 service office through which a national service par-
9 ticipant may perform national service in satisfaction
10 of the participant’s service obligation.

11 (3) The term “nonprofit organization” means
12 an organization—

13 (A) described in section 501(c) of the In-
14 ternal Revenue Code of 1986 (26 U.S.C.
15 501(c)); and

1 (B) exempt from taxation under section
2 501(a) of such Code (26 U.S.C. 501(a)).

3 (4) The terms “Office of National Service” and
4 “Office” mean the Office of National Service estab-
5 lished under section 201.

6 (5) The term “Director” means the Director of
7 the Office of National Service.

8 (6) The term “State” means each of the several
9 States, the District of Columbia, the Commonwealth
10 of Puerto Rico, and any territory or possession of
11 the United States.

12 **SEC. 4. PURPOSE.**

13 It is the purpose of this Act—

14 (1) to instill in American youth a spirit of serv-
15 ice and commitment to country and foster a sense
16 of responsibility toward the betterment of the United
17 States through service to oneself and to others;

18 (2) to provide an experience which affords
19 American youth not only the values and rewards
20 concomitant with serving others but also the oppor-
21 tunity to acquire leadership and organizational and
22 other practical skills beneficial to success in future
23 endeavors; and

24 (3) to provide meaningful volunteer assistance
25 to organizations seeking to accomplish objectives

1 beneficial to individuals, communities, States, and
2 the United States.

3 **TITLE I—IMPOSITION AND TERM**
4 **OF MANDATORY NATIONAL**
5 **SERVICE OBLIGATION**

6 **SEC. 101. OBLIGATION TO PERFORM NATIONAL SERVICE.**

7 (a) SERVICE OBLIGATION.—It is the obligation of
8 each individual who is a citizen of the United States or
9 lawfully admitted for permanent residence in the United
10 States and who attains the age of 18 years on or after
11 October 1, 1995, to perform not less than 1,000 hours
12 of national service to the United States in accordance with
13 this Act.

14 (b) PERIOD FOR SERVICE.—A national service partic-
15 ipant may begin to satisfy the national service obligation
16 imposed by subsection (a) upon attaining the age of 16
17 years and shall complete the 1,000 hours of required serv-
18 ice before the participant attains the age of 26 years.

19 (c) CONSIDERATION OF PRIOR SERVICE.—Any serv-
20 ice of a type described in section 103 that is performed
21 by a national service participant before October 1, 1995,
22 shall not be counted toward satisfying the national service
23 obligation imposed by subsection (a). Any such service
24 performed by a participant before registration under sec-

1 tion 102 shall not be counted toward satisfying the na-
2 tional service obligation.

3 (d) RULE FOR NEW CITIZENS AND PERMANENT
4 RESIDENTS AFTER AGE 18.—

5 (1) PERMANENT RESIDENTS.—An individual
6 who is lawfully admitted for permanent residence in
7 the United States after attaining the age of 18
8 years, but before attaining the age of 26 years, shall
9 perform a number of hours of national service equal
10 to the product of—

11 (A) 10.5 hours; and

12 (B) the number of whole months remain-
13 ing after admission for permanent residence
14 until the individual attains the age of 26 years.

15 (2) CITIZENS.—An individual who becomes a
16 citizen of the United States after attaining the age
17 of 18 years, but before attaining the age of 26 years,
18 and who has not previously registered under section
19 102, shall perform a number of hours of national
20 service equal to the product of—

21 (A) 10.5 hours; and

22 (B) the number of whole months remain-
23 ing after naturalization until the individual at-
24 tains the age of 26 years.

1 (3) PERIOD FOR SERVICE.—An individual sub-
2 ject to this subsection shall complete the determined
3 number of hours of required service before the indi-
4 vidual attains the age of 26 years or such later date
5 as the Office of National Service may authorize.

6 **SEC. 102. REGISTRATION OF NATIONAL SERVICE PARTICI-**
7 **PANTS.**

8 (a) REGISTRATION REQUIRED.—A national service
9 participant shall register with the local national service
10 board for the congressional district within which the par-
11 ticipant resides not later than 90 days after attaining the
12 age of 18 years.

13 (b) RULE FOR NEW CITIZENS AND PERMANENT
14 RESIDENTS.—An individual who is lawfully admitted for
15 permanent residence in the United States after attaining
16 the age of 18 years, but before attaining the age of 26
17 years, shall register with the local national service board
18 for the congressional district within which the individual
19 resides not later than 90 days after attaining that status.
20 An individual who becomes a citizen of the United States
21 after attaining the age of 18 years, but before attaining
22 the age of 26 years, and who has not previously registered
23 shall register with the local national service board for the
24 congressional district within which the individual resides
25 not later than 90 days after naturalization.

1 (c) ADVANCED REGISTRATION.—If an individual who
2 will become a national service participant desires to begin
3 to satisfy the national service obligation imposed by sec-
4 tion 101(a) between the ages of 16 and 18 years, the indi-
5 vidual may register under this section at any time after
6 attaining the age of 16 years.

7 (d) FORM AND CONTENT OF REGISTRATION.—The
8 Director shall issue rules prescribing the form and manner
9 of registration to be used by a national service participant.
10 Such rules may require the participant to provide, as part
11 of the registration, such identifying information (including
12 date of birth, address, and social security account number)
13 as the Director considers to be necessary.

14 **SEC. 103. TYPES OF NATIONAL SERVICE TO SATISFY OBLI-**
15 **GATION.**

16 (a) SERVICE WITH SPONSOR ORGANIZATION OR
17 FEDERAL VOLUNTEER PROGRAM.—

18 (1) SERVICE.—A national service participant
19 may satisfy the national service obligation imposed
20 by section 101(a) by serving as a nominally-paid vol-
21 unteer with—

22 (A) a sponsor organization accredited
23 under section 205; or

24 (B) a Federal volunteer program estab-
25 lished by a Federal agency pursuant to the rec-

1 ommendations of the task force under section
2 201(d) or identified by the task force under
3 such section.

4 (2) COMPENSATION.—A sponsor organization
5 or Federal volunteer program accepting a partici-
6 pant shall pay the participant \$1.00 for each hour
7 of service performed by the participant that is count-
8 ed toward the national service obligation of the par-
9 ticipant.

10 (3) TAX TREATMENT.—The compensation paid
11 under paragraph (2) shall not be included in gross
12 income and shall not be subject to any employment
13 tax.

14 (b) SERVICE WITH CERTAIN EXISTING PRO-
15 GRAMS.—A national service participant who is selected or
16 enrolled as a member of one of the following national serv-
17 ice programs shall have service in that program counted
18 toward the national service obligation imposed by section
19 101(a) if the participant completes the period of obligated
20 service required as a part of such membership:

21 (1) The Peace Corps established under the
22 Peace Corps Act (22 U.S.C. 2501 et seq.)

23 (2) A National Volunteer Antipoverty Program
24 established under title I of the Domestic Volunteer
25 Service Act of 1973 (42 U.S.C. 4951 et seq.).

1 (3) The Urban Elementary School Literacy
2 Corps established under section 4703 of the Elemen-
3 tary and Secondary Education Act of 1965, as
4 added by section 304.

5 (4) The American Conservation and Youth
6 Corps and other programs administered by the Com-
7 mission on National and Community Service under
8 title I of the National and Community Service Act
9 of 1990 (42 U.S.C. 12411 et seq.).

10 (5) The National Health Service Corps estab-
11 lished under section 331 of the Public Health Serv-
12 ice Act (42 U.S.C. 254d).

13 (c) SERVICE IN CERTAIN EMPLOYMENT POSI-
14 TIONS.—A national service participant who is employed as
15 a law enforcement officer or firefighter by a Federal agen-
16 cy or a State or local government for not less than two
17 years before the participant attains the age of 26 years
18 shall be considered to have satisfied the national service
19 obligation imposed on the participant by section 101(a).

20 (d) SERVICE IN THE ARMED FORCES.—A member of
21 an active or reserve component of the Armed Forces shall
22 be considered to have satisfied the national service obliga-
23 tion imposed by section 101(a) unless the member is sepa-
24 rated under adverse conditions before the member attains
25 the age of 26 years.

1 (e) PARTICIPATION IN JOB TRAINING.—A national
2 service participant who enrolls in the Job Corps estab-
3 lished under section 422 of the Job Training Partnership
4 Act (29 U.S.C. 1692), a job training program for the eco-
5 nomically disadvantaged under title II of such Act (29
6 U.S.C. 1601 et seq.), or a comparable job training pro-
7 gram of a State shall have service in that program counted
8 toward the national service obligation imposed by section
9 101(a) if the participant successfully completes the train-
10 ing.

11 **SEC. 104. FAILURE TO REGISTER OR COMPLETE NATIONAL**
12 **SERVICE OBLIGATION.**

13 (a) EFFECT OF FAILURE.—Except as provided in
14 section 105, an individual who is required to register
15 under section 102 and who knowingly and willfully fails
16 to register within the time specified in that section and
17 a national service participant who fails to complete the na-
18 tional service obligation imposed by section 101(a) before
19 the participant attains the age of 26 years shall be ineli-
20 gible for the following Federal employment opportunities,
21 programs, and assistance:

22 (1) Appointment to a position in an Executive
23 agency.

1 (2) The health insurance program under title
2 XVIII of the Social Security Act (42 U.S.C. 1395c
3 et seq.).

4 (3) Federal old-age, survivors, and disability in-
5 surance benefits provided under title II of the Social
6 Security Act (42 U.S.C. 401 et seq.).

7 (4) Any grant, loan, or work assistance under
8 title IV of the Higher Education Act of 1965 (20
9 U.S.C. 1070 et seq.).

10 (5) Student assistance under part C of title VII
11 of the Public Health Service Act (42 U.S.C. 294 et
12 seq.).

13 (6) Job training and employment assistance
14 under the Job Training Partnership Act (29 U.S.C.
15 1501 et seq.).

16 (b) VERIFICATION.—The Director of the Office of
17 National Service, in consultation with the heads of af-
18 fected Federal agencies, shall issue rules to implement the
19 requirements of subsection (a) and verify the compliance
20 of an individual with the registration and national service
21 obligations imposed by sections 101 and 102.

22 (c) APPEAL.—The rules issued under subsection (b)
23 shall provide that any individual who is denied Federal
24 employment or assistance or services described in sub-
25 section (a) for failure to meet the registration or service

1 requirements of section 101 or 102 shall be given notice
2 of the proposed denial and shall have a suitable period
3 (of not less than 30 days) after such notice to provide the
4 Director with information and materials to establish the
5 compliance of the individual with the requirement that is
6 the basis for the denial. The Director may afford the indi-
7 vidual an opportunity for a hearing to establish the com-
8 pliance or for any other purpose.

9 **SEC. 105. EXEMPTIONS AND DEFERMENTS.**

10 (a) EXEMPTIONS.—An individual who is determined,
11 in accordance with standards established by the Director,
12 to be physically, mentally, or otherwise unfit to perform
13 national service under this Act is exempt from the obliga-
14 tion to perform national service imposed by section 101
15 and to register under section 102.

16 (b) DEFERMENTS.—The following individuals shall
17 be temporarily deferred, in accordance with standards es-
18 tablished by the Director, from the obligation to perform
19 national service under this Act:

20 (A) An individual found to be physically, men-
21 tally, or otherwise unfit for service under this Act on
22 a temporary basis. The deferment shall last for as
23 long as the condition of unfitness continues.

24 (B) An individual granted a hardship deferment
25 in accordance with subsection (c).

1 (c) HARDSHIP DEFERMENTS.—An individual who is
2 or will become a national service participant may apply
3 to the Director for a temporary deferment for hardship
4 reasons at any time before or during participation in na-
5 tional service under this Act.

6 **TITLE II—ADMINISTRATION OF**
7 **NATIONAL SERVICE**

8 **SEC. 201. OFFICE OF NATIONAL SERVICE.**

9 (a) ESTABLISHMENT.—There is established in the ex-
10 ecutive branch of the Federal Government an office to be
11 known as the Office of National Service to regulate and
12 oversee the registration of national service participants
13 and the performance of national service by participants.

14 (b) DIRECTOR.—The Office shall be under the super-
15 vision of a Director who shall be appointed by the Presi-
16 dent, by and with the advice and consent of the Senate.
17 The first Director shall be appointed not later than 90
18 days after the date of the enactment of this Act.

19 (c) INITIAL OPERATION OF OFFICE.—The Director
20 shall ensure that the Office is fully operational by October
21 1, 1995.

22 (d) TASK FORCE.—There is established a task force
23 on national service which shall consist of the Director and
24 a representative of each Executive department. The task
25 force shall identify existing opportunities in the Federal

1 Government for the performance of volunteer services and
2 consider methods to expand opportunities for national
3 service participants to satisfy their national service obliga-
4 tions through programs operated by the Federal Govern-
5 ment. Not later than nine months after the date of the
6 enactment of this Act, the task force shall submit a report
7 to the President and Congress regarding the results of its
8 activities under this subsection.

9 **SEC. 202. RECORDING THE PERFORMANCE OF NATIONAL**
10 **SERVICE.**

11 (a) RECORD KEEPING SYSTEM.—The Director shall
12 establish a system to track and record the performance
13 of national service by national service participants.

14 (b) USE OF EXISTING RECORD KEEPING MECHA-
15 NISMS.—In establishing the record keeping system under
16 subsection (a), the Director shall consider the feasibility
17 of using the personnel and facilities of the Selective Serv-
18 ice System to record the performance of national service
19 by national service participants. The Director shall also
20 consult with the Commissioner of Internal Revenue re-
21 garding the feasibility of using the written statement re-
22 quired to be provided to employees under section 6051 of
23 the Internal Revenue Code of 1986 (26 U.S.C. 6051) as
24 a means—

1 (1) to record the number of hours of national
2 service performed by a participant in satisfaction of
3 the national service obligation imposed by section
4 101; and

5 (2) to provide this information to the Director
6 to determine compliance with such obligation.

7 (c) NOTICE UPON COMPLETION.—The Director shall
8 provide written notice to each national service participant
9 as soon as possible after the participant completes the na-
10 tional service obligation imposed by section 101.

11 **SEC. 203. OTHER DUTIES OF THE DIRECTOR.**

12 (a) INFORMATION SERVICES.—The Director shall de-
13 velop informational materials regarding registration and
14 national service obligations under this Act for dissemina-
15 tion to individuals who are required to register and per-
16 form national service under this Act.

17 (b) PROMOTION.—In cooperation with schools, State
18 national service offices, local national service boards, and
19 sponsor organizations, the Director shall carry out activi-
20 ties to promote the concept of national service and to en-
21 sure that individuals who are required to register and per-
22 form national service under this Act become aware of their
23 responsibilities.

24 (c) CONSULTATION.—The Director shall periodically
25 consult with sponsor organizations and other entities

1 using national service participants and current and former
2 participants to improve the Office and the regulation and
3 oversight of the registration of participants and the per-
4 formance of national service.

5 **SEC. 204. STATE NATIONAL SERVICE OFFICES AND LOCAL**
6 **NATIONAL SERVICE BOARDS.**

7 (a) LOCAL ASSISTANCE FOR PARTICIPANTS.—The
8 Director shall establish a network consisting of a State
9 national service office for each State and a local national
10 service board for each congressional district to carry out
11 the registration of national service participants, to assist
12 participants to find and perform national service in satis-
13 faction of their national service obligation, and to approve
14 sponsor organizations. With the cooperation of the Direc-
15 tor of Selective Service, the Director of the Office of Na-
16 tional Service may use State headquarters and local
17 boards of the Selective Service System as a part of the
18 network.

19 (b) DUTIES.—Each State national service office and
20 local national service board shall—

- 21 (1) disseminate information regarding registra-
22 tion and national service obligations under this Act;
23 (2) provide information and counseling services
24 to national service participants regarding national

1 service opportunities, including through the use of
2 toll-free telephone access; and

3 (3) investigate complaints arising between par-
4 ticipants and sponsor organizations.

5 **SEC. 205. ACCREDITATION OF SPONSOR ORGANIZATIONS.**

6 (a) APPLICATION.—A nonprofit organization that de-
7 sires to serve as a sponsor organization for national service
8 participants in a State shall submit an application to the
9 State national service office for that State. The application
10 shall be in such form and contain such information and
11 assurances as the Director may require by rules, including
12 assurances that the nonprofit organization—

13 (1) will perform such record keeping activities
14 as may be required to properly credit the national
15 service performed by a participant with the non-
16 profit organization; and

17 (2) will pay the participant \$1.00 for each hour
18 of service performed by a participant with the non-
19 profit organization that is counted toward the na-
20 tional service obligation of the participant.

21 (b) AGREEMENT.—A State national service office
22 may enter into an agreement with a nonprofit organization
23 that submits an application under subsection (a) under
24 which the nonprofit organization is accredited as a sponsor
25 organization through which national service participants

1 may perform national service in satisfaction of the na-
2 tional service obligation under section 101.

3 (c) DIRECTORY OF SPONSOR ORGANIZATIONS.—A
4 State national service office shall establish and maintain
5 a directory of sponsor organizations accredited by the of-
6 fice. The directory shall be available to national service
7 participants.

8 (d) ACCEPTANCE OF PARTICIPANTS.—The actual se-
9 lection of a national service participant to perform service
10 with a sponsor organization shall be left to the discretion
11 of the organization.

12 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

13 There is authorized to be appropriated to the Direc-
14 tor to carry out titles I and II—

- 15 (1) \$20,000,000 for fiscal year 1994;
16 (2) \$40,000,000 for fiscal year 1995;
17 (3) \$80,000,000 for fiscal year 1996;
18 (4) \$160,000,000 for fiscal year 1997; and
19 (5) \$160,000,000 for fiscal year 1998.

20 **TITLE III—MISCELLANEOUS**
21 **NATIONAL SERVICE PROGRAMS**

22 **SEC. 301. AMERICAN CONSERVATION AND YOUTH CORPS.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—Subtitle
24 C of title I of the National and Community Service Act

1 of 1990 is amended by inserting after section 135 (42
2 U.S.C. 12555) the following new section:

3 **“SEC. 136. AUTHORIZATION OF APPROPRIATIONS.**

4 “There is authorized to be appropriated to the Com-
5 mission for grants under this subtitle—

6 “(1) \$30,000,000 for fiscal year 1994;

7 “(2) \$60,000,000 for fiscal year 1995;

8 “(3) \$120,000,000 for fiscal year 1996;

9 “(4) \$240,000,000 for fiscal year 1997; and

10 “(5) \$480,000,000 for fiscal year 1998.”.

11 (b) CONFORMING AMENDMENTS.—Section 501(a) of
12 such Act (42 U.S.C. 12681) is amended—

13 (1) in paragraph (1)(A), by striking “C,”; and

14 (2) in paragraph (2)—

15 (A) by striking subparagraph (B); and

16 (B) by redesignating subparagraphs (C)

17 and (D) as subparagraphs (B) and (C), respec-

18 tively.

19 (c) SPECIAL EFFECTIVE DATE.—The amendments
20 made by subsection (b) shall take effect on October 1,
21 1993.

22 **SEC. 302. VOLUNTEERS IN SERVICE TO AMERICA.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—Sub-
24 section (a)(1) of section 501 of the Domestic Volunteer
25 Service Act of 1973 (42 U.S.C. 5081) is amended—

1 (1) by striking “\$25,000,000 for fiscal year
2 1987” and all that follows through “1992, and”;
3 and

4 (2) by inserting before the period the following:
5 “\$60,000,000 for fiscal year 1994, \$75,000,000 for
6 fiscal year 1995, \$105,000,000 for fiscal year 1996,
7 \$220,000,000 for fiscal year 1997, and
8 \$450,000,000 for fiscal year 1998”.

9 (b) NUMBER OF VOLUNTEERS.—Subsection (d) of
10 such section is amended—

11 (1) in paragraph (1), by striking subparagraphs
12 (A) through (G) and inserting the following new
13 subparagraphs:

14 “(A) 3,400 years of volunteer service in fiscal
15 year 1993;

16 “(B) 4,000 years of volunteer service in fiscal
17 year 1994;

18 “(C) 5,000 years of volunteer service in fiscal
19 year 1995;

20 “(D) 7,000 years of volunteer service in fiscal
21 year 1996;

22 “(E) 15,000 years of volunteer service in fiscal
23 year 1997; and

24 “(F) 30,000 years of volunteer service in fiscal
25 year 1998.”;

1 (2) by striking paragraph (3); and
2 (3) by redesignating paragraph (4) as para-
3 graph (3).

4 **SEC. 303. PEACE CORPS.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
6 3 of the Peace Corps Act (22 U.S.C. 2502) is amended
7 by striking subsection (b) and inserting the following new
8 subsection:

9 “(b) There are authorized to be appropriated to carry
10 out the purposes of this Act \$270,000,000 for fiscal year
11 1994, \$340,000,000 for fiscal year 1995, \$400,000,000
12 for fiscal year 1996, \$450,000,000 for fiscal year 1997,
13 and \$500,000,000 for fiscal year 1998.”.

14 (b) NUMBER OF VOLUNTEERS.—Such section is fur-
15 ther amended by inserting after subsection (c) the follow-
16 ing new subsection:

17 “(d) From the amounts appropriated under sub-
18 section (b), the President shall endeavor to maintain an
19 enrollment in the Peace Corps of not less than 8,000 vol-
20 unteers during fiscal year 1994, 10,000 volunteers during
21 fiscal year 1995, 12,000 volunteers during fiscal year
22 1996, 14,000 volunteers during fiscal year 1997, and
23 15,000 volunteers during fiscal year 1998.”.

1 **SEC. 304. URBAN ELEMENTARY SCHOOL LITERACY CORPS.**

2 (a) IN GENERAL.—Title IV of the Elementary and
3 Secondary Education Act of 1965 (20 U.S.C. 2701 et
4 seq.) is amended by adding at the end the following new
5 part:

6 **“PART G—URBAN ELEMENTARY SCHOOL**
7 **LITERACY CORPS**

8 **“SEC. 4701. STATEMENT OF PURPOSE.**

9 “It is the purpose of this part—

10 “(1) to enhance the reading and writing skills
11 of children in the United States by providing individ-
12 ual attention and instruction to 1st and 2d grade
13 students through a network of volunteers; and

14 “(2) to place 2 volunteers in each 1st and 2d
15 grade classroom located in an urban elementary
16 school by January 1, 1997.

17 **“SEC. 4702. DEFINITIONS.**

18 “For purposes of this part:

19 “(1) The term ‘Corps’ means the Urban Ele-
20 mentary School Literacy Corps established under
21 section 4703.

22 “(2) The term ‘poverty line for a single individ-
23 ual’ means the poverty line established by the Direc-
24 tor of the Office of Management and Budget in ac-
25 cordance with section 673(2) of the Community
26 Services Block Grant Act (42 U.S.C. 9902(2)).

1 “(3) The term ‘State’ means any of the several
2 States, the District of Columbia, the Virgin Islands
3 of the United States, the Commonwealth of Puerto
4 Rico, Guam, American Samoa, the Commonwealth
5 of the Northern Mariana Islands, the Republic of
6 the Marshall Islands, the Federated States of Micro-
7 nesia, or Palau.

8 “(4) The term ‘urban elementary school’ means
9 a public elementary school that is located in an ur-
10 banized area.

11 “(5) The term ‘urbanized area’ means an ur-
12 banized area delineated by the Secretary of Com-
13 merce for purposes of preparing statistical data de-
14 rived from a decennial census of population.

15 “(6) The term ‘volunteer’ means an individual
16 who is tutoring in an urban elementary school pur-
17 suant to an assignment by the Secretary under sec-
18 tion 4703, or an individual who is receiving
19 preservice or inservice training related to such an as-
20 signment.

21 **“SEC. 4703. PROGRAM ESTABLISHED.**

22 “(a) IN GENERAL.—The Secretary shall establish an
23 Urban Elementary School Literacy Corps for the purpose
24 of recruiting, selecting, training, and assigning volunteers
25 to provide individual attention and instruction in reading

1 and writing to 1st and 2d grade students in urban elemen-
2 tary schools.

3 “(b) ASSIGNMENT OF VOLUNTEERS.—The Secretary
4 shall assign to an urban elementary school that has satis-
5 fied the requirements of subsection (c) the number of vol-
6 unteers selected under subsection (d) that the Secretary
7 determines is necessary and practicable to carry out this
8 part, taking into account the demand for the services of
9 volunteers and the number of volunteers available for serv-
10 ice.

11 “(c) QUALIFYING URBAN ELEMENTARY SCHOOLS.—
12 An urban elementary school is eligible to have the Sec-
13 retary assign volunteers to it if the school—

14 “(1) has submitted an application to the Sec-
15 retary in accordance with the procedures established
16 by the Secretary; and

17 “(2) has designated a member of its staff as a
18 sponsor for volunteers.

19 “(d) QUALIFYING VOLUNTEERS.—(1) The Secretary
20 shall select volunteers from among individuals who—

21 “(A) have submitted an application to the Sec-
22 retary in accordance with the procedures established
23 by the Secretary;

24 “(B) have completed their secondary education;

1 “(C) possess the other skills and qualifications
2 that the Secretary determines are necessary to carry
3 out the purpose of the Corps;

4 “(D) have undertaken to fulfill the obligations
5 in section 4704(d)(2); and

6 “(E) have notified the Secretary of such under-
7 taking within the time limit in such section.

8 “(2) The Secretary shall approve the application of
9 each individual who meets the requirements in paragraph
10 (1).

11 “(3) Paragraph (2) shall not preclude the Secretary
12 from establishing a limit on the number of volunteers
13 whose applications may be approved if the limit relates
14 to the amount of the funds appropriated for this part.

15 “(e) PLACEMENT OF VOLUNTEERS.—The Secretary
16 shall provide for the assignment of each applicant ap-
17 proved as a volunteer to an urban elementary school that
18 is, to the maximum extent practicable, consistent with the
19 preferences concerning geographic location of service that
20 are set forth in the application submitted by the applicant
21 pursuant to subsection (d).

22 **“SEC. 4704. TERMS AND CONDITIONS OF SERVICE.**

23 “(a) PERIOD OF SERVICE.—A volunteer may be en-
24 rolled or reenrolled for periods of full-time service of not
25 less than 9 months during regular or summer school ses-

1 sions, or both. A volunteer may not serve for more than
2 a total of 24 months. The time limitations in this sub-
3 section shall include any period of inservice training and
4 any period of preservice training under section 4705.

5 “(b) STIPEND.—(1) The Secretary may provide a sti-
6 pend to volunteers, while they are in training and during
7 their assignments. Such stipend shall not exceed \$95 per
8 month.

9 “(2) A stipend provided under paragraph (1) shall
10 be payable only on completion of a period of service, except
11 that under such circumstances as the Secretary shall de-
12 termine, in accordance with regulations that the Secretary
13 shall prescribe, the accrued stipend, or any part of the
14 accrued stipend, may be paid to the volunteer, or, on be-
15 half of the volunteer, to members of the family of the vol-
16 unteer or others during the period of the volunteer’s serv-
17 ice. In the event of the death of a volunteer during service,
18 the amount of any unpaid stipend shall be paid in accord-
19 ance with the provisions of section 5582 of title 5, United
20 States Code.

21 “(c) ALLOWANCES AND SUPPORT SERVICES.—(1)
22 The Secretary shall provide volunteers the living, travel
23 (including travel to and from locations to which volunteers
24 are assigned during periods of service) and leave allow-
25 ances, and the housing, supplies, equipment, subsistence,

1 training, clothing, health and dental care, transportation,
2 supervision, technical assistance, and other support that
3 the Secretary considers necessary and appropriate to carry
4 out the purpose and provisions of this part. The Secretary
5 shall ensure that each volunteer has available such allow-
6 ances and support as will enable the volunteer to carry
7 out the purpose and provisions of this part and to perform
8 effectively the work to which the volunteer is assigned.

9 “(2)(A) The Secretary shall fix the subsistence allow-
10 ance for volunteers under paragraph (1) for each fiscal
11 year so that—

12 “(i) the minimum allowance is not less than an
13 amount equal to 95 percent of the poverty line (as
14 defined in section 673(2) of the Community Services
15 Block Grant Act (42 U.S.C. 9902(2))) for a single
16 individual as expected for each fiscal year; and

17 “(ii) the average subsistence allowance, exclud-
18 ing allowances for Hawaii, Guam, American Samoa,
19 and Alaska, is not less than 105 percent of such
20 poverty line.

21 “(B) The Secretary shall make a determination of the
22 cost of living within each State and whether there are sig-
23 nificant local price differentials within the State. The Sec-
24 retary shall adjust the subsistence allowances for volun-

1 teers serving in areas that have a higher cost of living
2 than the national average to reflect such higher cost.

3 “(C) The Secretary shall consult with the Director
4 of the ACTION Agency in fixing and adjusting the sub-
5 sistence allowances under this paragraph.

6 “(d) NOTICE AND ACCEPTANCE OF TERMS AND CON-
7 DITIONS.—(1) The Secretary shall mail to each individual
8 who meets the requirements in subparagraphs (A), (B),
9 and (C) of section 4703(d)(1) a notice containing—

10 “(A) the name and address of the urban ele-
11 mentary school to which the Secretary proposes to
12 assign the individual for service as a volunteer;

13 “(B) the period of service, including any period
14 of preservice or inservice training, for which the Sec-
15 retary proposes to enroll or reenroll the individual;
16 and

17 “(C) a description of the stipend, allowances,
18 and support that the Secretary proposes to provide
19 to the individual for such service.

20 “(2) An individual to whom the Secretary has mailed
21 a notice under paragraph (1) and who desires to serve as
22 a volunteer shall, within the 30-day period beginning on
23 the date the notice is mailed, notify the Secretary that
24 the individual undertakes—

1 “(A) to serve full-time as a volunteer for the
2 period for which the Secretary proposes to enroll or
3 reenroll the individual, unless the period is termi-
4 nated prematurely by the Secretary at the discretion
5 of the Secretary;

6 “(B) to serve in the urban elementary school to
7 which the Secretary proposes to assign the individ-
8 ual;

9 “(C) to complete any preservice or inservice
10 training relating to such service that may be pro-
11 vided by the Secretary or such school;

12 “(D) to perform any teaching duty that a mem-
13 ber of the staff of such school may delegate to the
14 individual; and

15 “(E) to abide by any other term or condition of
16 service that the Secretary may establish.

17 “(e) GRIEVANCE PROCEDURE.—The Secretary shall
18 establish a procedure, including notice and opportunity to
19 be heard, for volunteers to present and obtain resolution
20 of grievances and to present their views in connection with
21 the terms and conditions of their service. The Secretary
22 shall promptly provide to each volunteer information re-
23 garding the procedure and the terms and conditions of
24 their service.

1 “(f) **LEGAL EXPENSES.**—Notwithstanding any other
2 provision of law and pursuant to regulations that the Sec-
3 retary shall prescribe, counsel may be employed and coun-
4 sel fees, court costs, bail, and other expenses incidental
5 to the defense of volunteers may be paid in judicial or ad-
6 ministrative proceedings to which volunteers have been
7 made parties.

8 **“SEC. 4705. PRESERVICE TRAINING.**

9 “(a) **IN GENERAL.**—The Secretary shall ensure that,
10 before volunteers undertake their teaching duties, they re-
11 ceive training that will enable them to carry out the pur-
12 pose of this part and effectively perform the work to which
13 they are assigned. Such preservice training shall consist,
14 at a minimum, of 3 weeks of full-time instruction.

15 “(b) **SUPPORT AND ALLOWANCES DURING TRAIN-**
16 **ING.**—The provisions of section 4704(c) shall apply to any
17 period of preservice training under this section.

18 “(c) **ADMINISTRATIVE AUTHORITY.**—(1) The Sec-
19 retary may carry out programs and projects relating to
20 preservice training of volunteers under this section di-
21 rectly, or through grants to or contracts with State and
22 local educational agencies, institutions of higher edu-
23 cation, and other public and private agencies, organiza-
24 tions, and institutions.

1 “(2)(A) To apply for a grant or contract under this
2 section for any fiscal year, a person shall submit an appli-
3 cation to the Secretary in accordance with the procedures
4 established by the Secretary.

5 “(B) The Secretary may not approve an application
6 submitted under subparagraph (A) unless the applicant
7 demonstrates the ability to provide the instruction nec-
8 essary to prepare volunteers for their role as individual
9 literacy tutors.

10 “(3) Notwithstanding section 430 of the General
11 Education Provisions Act (20 U.S.C. 1231g), a grant or
12 contract under this section may be renewed, subject to the
13 availability of funds and at the discretion of the Secretary,
14 if—

15 “(A) the person desiring to renew the grant or
16 contract submits to the Secretary an application
17 pursuant to paragraph (2) for each fiscal year for
18 which the person desires to receive, and is eligible to
19 receive, a grant or contract under this section;

20 “(B) the Secretary determines that the funds
21 made available to the person during the previous
22 year were used in a manner required under the ap-
23 proved application;

24 “(C) the Secretary determines that an addi-
25 tional grant or contract is necessary to implement in

1 the State a program or project described in para-
2 graph (1); and

3 “(D) the Secretary determines that the person’s
4 instruction methods are effective.

5 **“SEC. 4706. SPECIAL LIMITATIONS.**

6 “(a) VOLUNTEER ACTIVITIES.—The Secretary shall
7 prescribe regulations and shall carry out the provisions of
8 this part so as to ensure that the service of volunteers
9 is limited to activities that would not otherwise be per-
10 formed by employed workers and that will not supplant
11 the hiring of or result in the displacement of employed
12 workers, or impair existing contracts for service.

13 “(b) SUPPORT COSTS.—All support, including trans-
14 portation, provided to volunteers shall be furnished at the
15 lowest possible cost consistent with the effective operation
16 of the Corps.

17 “(c) GOVERNMENT ASSISTANCE.—(1) Notwithstand-
18 ing any other provision of law, except as may be provided
19 expressly in limitation of this subsection, payments to a
20 volunteer shall not in any way reduce or eliminate the level
21 of, or eligibility for, assistance or services the volunteer
22 may be receiving under any governmental program.

23 “(2) Paragraph (1) shall not apply when the Sec-
24 retary determines that the value of all payments to a vol-
25 unteer, adjusted to reflect the number of hours the volun-

1 teer is serving, is not less than the minimum wage then
2 in effect under the Fair Labor Standards Act of 1938 (29
3 U.S.C. 201 et seq.) or the minimum wage under the laws
4 of the State where the volunteer is serving, whichever is
5 greater.

6 “(3) Notwithstanding any other provision of law, a
7 volunteer who was otherwise entitled to receive assistance
8 or services under any governmental program prior to en-
9 rollment in the Corps shall not be denied the assistance
10 or services because of the failure or refusal of the volun-
11 teer to register for, seek, or accept employment or training
12 during the period of service of the volunteer.

13 “(d) NONDISCRIMINATION.—The Secretary shall
14 apply the nondiscrimination policies and authorities set
15 forth in section 717 of the Civil Rights Act of 1964 (42
16 U.S.C. 2000e–16), in title V of the Rehabilitation Act of
17 1973 (29 U.S.C. 791 et seq.), and in the Age Discrimina-
18 tion Act of 1975 (42 U.S.C. 6101 et seq.) to volunteers
19 and to applicants for enrollment for service as volunteers.
20 Any remedies available to individuals under such laws,
21 other than the right of appeal to the Civil Service Commis-
22 sion authorized by section 717 of the Civil Rights Act of
23 1964 (42 U.S.C. 2000e–16), and transferred to the Equal
24 Employment Opportunity Commission by Reorganization

1 Plan Number 1 of 1978, shall be available to the appli-
2 cants or volunteers.

3 **“SEC. 4707. APPLICATION OF FEDERAL LAW.**

4 “(a) IN GENERAL.—Except as provided in title 5,
5 United States Code, and subsections (b), (c), and (d) of
6 this section, volunteers may not be considered Federal em-
7 ployees and may not be subject to the provisions of laws
8 relating to Federal officers and employees and Federal
9 employment.

10 “(b) SPECIFIC FEDERAL LEGISLATION.—Volunteers
11 shall—

12 “(1) for purposes of subchapter III of chapter
13 73 of title 5, United States Code, be considered per-
14 sons employed in the executive branch of the Federal
15 Government;

16 “(2) for purposes of the Internal Revenue Code
17 of 1986 (26 U.S.C. 1 et seq.) and title II of the So-
18 cial Security Act (42 U.S.C. 401 et seq.), be consid-
19 ered employees of the United States, and any service
20 performed by an individual as a volunteer (including
21 training) shall be considered to be performed in the
22 employ of the United States;

23 “(3) for purposes of the chapter 171 of title 28,
24 United States Code, be considered employees of the
25 United States; and

1 “(4) for purposes of section 5584 of title 5,
2 United States Code, be considered employees of the
3 United States (and stipends and allowances paid
4 under this part shall be considered as pay for such
5 purposes).

6 “(c) SUBSEQUENT GOVERNMENT EMPLOYMENT.—
7 any period of service of a volunteer shall be credited in
8 connection with subsequent employment in the same man-
9 ner as a like period of civilian employment by the Federal
10 Government—

11 “(1) for purposes of any Act establishing a re-
12 tirement system for civilian employees of any Fed-
13 eral agency; and

14 “(2) except as otherwise determined by the
15 President, for purposes of determining seniority, re-
16 duction in force, and layoff rights, leave entitlement,
17 and other rights and privileges based upon length of
18 service under the laws administered by the Office of
19 Personnel Management, the Foreign Service Act of
20 1980 (22 U.S.C. 3901 et seq.), and every other Act
21 establishing or governing terms and conditions of
22 service of civilian employees of the Federal Govern-
23 ment, but service of a volunteer may not be credited
24 toward completion of any probationary or trial pe-

1 riod or completion of any service requirement for ca-
2 reer appointment.

3 “(d) COMPETITIVE SERVICE.—Volunteers serving for
4 periods of at least 1 year, who the Secretary determines,
5 in accordance with regulations prescribed by the Sec-
6 retary, have successfully completed their periods of serv-
7 ice, shall be eligible for appointment in the competitive
8 service in the same manner as Peace Corps volunteers as
9 prescribed in Executive Order Number 11103 (April 10,
10 1963).

11 **“SEC. 4708. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated to carry out
13 this part \$45,000,000 for fiscal year 1994, \$55,000,000
14 for fiscal year 1995, \$65,000,000 for fiscal year 1996,
15 \$130,000,000 for fiscal year 1997, and \$260,000,000 for
16 fiscal year 1998. Notwithstanding section 413 of the Gen-
17 eral Education Provisions Act (20 U.S.C. 1226), such
18 sums shall remain available until expended. Of such sums,
19 not more than 15 percent may be used for any fiscal year
20 to provide preservice training under section 4705.”.

21 (b) EFFECTIVE DATE.—The Secretary of Education
22 shall carry out the amendment made by subsection (a)
23 within the 2-year period beginning on the date of the en-
24 actment of the National American Youth Service Act.

25 (c) AMENDMENTS TO TITLE 5.—

1 (1) AMENDMENT TO CHAPTER 81.—

2 (A) COMPENSATION FOR WORK INJU-
 3 RIES.—Chapter 81 of title 5, United States
 4 Code, is amended by inserting after section
 5 8143a the following new section:

6 **“§8143b. Urban Elementary School Literacy Corps**
 7 **volunteers**

8 “This subchapter applies to a volunteer enrolled in
 9 the Urban Elementary School Literacy Corps under part
 10 G of title IV of the Elementary and Secondary Education
 11 Act of 1965 (20 U.S.C. 2701 et seq.), during a period
 12 of service or training, to the same extent as enrollees of
 13 the Job Corps under section 8143(a). For the purpose of
 14 the computation described in section 8143(a)(1), the
 15 monthly pay of a volunteer is deemed that received at the
 16 minimum rate for GS-7.”.

17 (B) CLERICAL AMENDMENT.—The table of
 18 sections at the beginning of such chapter is
 19 amended by inserting after the item relating to
 20 section 8143a the following new item:

“8143b. Urban Elementary School Literacy Corps volunteers.”.

21 (2) CIVIL SERVICE RETIREMENT.—Section
 22 8332(b) of title 5, United States Code, is amend-
 23 ed—

24 (A) by striking “and” at the end of para-
 25 graph (15);

1 (B) by striking the period at the end of
2 paragraph (16) and inserting “; and”; and

3 (C) by inserting after paragraph (16) the
4 following new paragraph:

5 “(17) a period of service of a volunteer enrolled
6 in the Urban Elementary School Literacy Corps
7 under part G of title IV of the Elementary and Sec-
8 ondary Education Act of 1965 (20 U.S.C. 2701 et
9 seq.), but only if the individual serves as a volunteer
10 for at least 1 year and only if the individual later
11 becomes subject to this subchapter.”.

12 (d) CANCELLATION OF LOANS.—Section
13 465(a)(2)(E) of the Higher Education Act of 1965 (20
14 U.S.C. 1087ee) is amended—

15 (1) by striking “or” and inserting a comma;
16 and

17 (2) by inserting before the semicolon the follow-
18 ing: “, or a volunteer under part G of title IV of the
19 Elementary and Secondary Education Act of 1965
20 (20 U.S.C. 2701 et seq.)”.

21 (e) FOREIGN SERVICE RETIREMENT.—Section
22 854(c) of the Foreign Service Act of 1980 (22 U.S.C.
23 4071c) is amended—

24 (1) by striking “or” at the end of paragraph
25 (2);

1 (2) by inserting “or” at the end of paragraph
2 (3); and

3 (3) by inserting after paragraph (3) the follow-
4 ing new paragraph:

5 “(4) a volunteer for a period of at least 1 year
6 under part G of title IV of the Elementary and Sec-
7 ondary Education Act of 1965 (20 U.S.C. 2701 et
8 seq.),”.

9 (f) HEALTH EDUCATION ASSISTANCE.—Section
10 731(a)(2)(C) of the Public Health Service Act (42 U.S.C.
11 294d) is amended—

12 (1) by striking “or” at the end of clause (vi);
13 and

14 (2) by inserting before the semicolon the follow-
15 ing: “, or (viii) not in excess of two years during
16 which the borrower is in service as a volunteer under
17 part G of title IV of the Elementary and Secondary
18 Education Act of 1965 (20 U.S.C. 2701 et seq.)”.

○

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